

RAVEN & KOLBE, LLP
Keith A. Raven, Esq. (KR-8086)
Attorneys for Defendants
ISRAELYAN VAHE GAGIKOVICH,
SHAHRUHBEK UMURZAKOV,
and AZIM TRANS INC.
126 East 56th Street, Suite 202
New York, New York 10022
(212) 759-7466

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BABACAR THIAM, : Civil No.: -cv-
: :
Plaintiff(s), : **NOTICE OF REMOVAL**
: :
-against- :
: :
ISRAELYAN VAHE GAGIKOVICH, :
SHAHRUHBEK UMURZAKOV and :
AZIM TRANS INC., :
: :
Defendant(s). ----- X

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PLEASE TAKE NOTICE that defendants, ISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK UMURZAKOV and AZIM TRANS INC., by and through their undersigned counsel, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, respectfully submit their Notice of Removal of this action from the Supreme Court of New York, County of Bronx, in which this action is pending, to the United States District Court for the Southern District of New York, being the district embracing the place where the action is pending. In support of their Notice of Removal, defendants state as follows:

1. On February 2, 2022, plaintiff filed a lawsuit in the Supreme Court of New York,

County of Bronx, under Index No.: 801990/2022E. A true and complete copy of plaintiff's Summons and Verified Complaint is annexed hereto collectively as **Exhibit "A"**.

2. Service of plaintiff's Summons and Verified Complaint has not yet been completed pursuant to New York's Vehicle and Traffic Law.

3. Plaintiff, BABACAR THIAM, is a resident and domiciliary of the County of Bronx, City and State of New York.

4. Defendant, ISRAELYAN VAHE GAGIKOVICH, is a resident of the State of Pennsylvania.

5. Defendant, SHAHRUHBEK UMURZAKOV, is a resident of the State of Pennsylvania.

6. Defendant, AZIM TRANS INC., is a domestic business corporation incorporated in the State of Texas with its principal place of business in Houston, Texas.

7. This Notice of Removal is timely filed in that the Notice of Removal was filed pursuant to 28 U.S.C. §1446(b).

8. A copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of New York, County of Bronx, and served on all parties as required by 28 U.S.C. §1446(d).

9. This Court has original jurisdiction over this action because there is complete diversity between the parties under 28 U.S.C. §1332(a), and this action is removable to this Court pursuant to 28 U.S.C. §1441(a)-(b).

10. There is complete diversity of citizenship between the plaintiff and the defendants in this action because the plaintiff is a resident of the County of Bronx and, thus, a citizen of the State of New York; and, defendants ISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK

UMURZAKOV are citizens of the State of Pennsylvania. See Exhibit A, Summons and paragraph 1 and 2 of plaintiff's Verified Complaint; and defendant AZIM TRANS INC. is a corporation in State of Texas where it has its principal place of business.

11. Furthermore, the amount in controversy exceeds \$75,000, exclusive of interests, costs and attorneys fee, inasmuch as plaintiff's attorney has advised that this case has a value in excess of \$100,000.

WHEREFORE, defendants, ISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK UMURZAKOV and AZIM TRANS INC., respectfully request that this action be removed from the Supreme Court of New York, Bronx County, and that this Honorable Court assume jurisdiction of this action and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial.

Dated: March 31, 2022
New York, New York

RAVEN & KOLBE, LLP
Attorneys for Defendants
ISRAELYAN VAHE GAGIKOVICH,
SHAHRUHBEK UMURZAKOV
and AZIM TRANS INC.

By: 
KEITH A. RAVEN (KR-8086)

TO:

FIELD LAW GROUP, P.C.
Attorneys for Plaintiff
BABACAR THIAM
17 State Street, 40th Floor
New York, New York 10004
Tel.: (212) 739-7272
Melissa H. Field, Esq.
mfield@fieldlawgroupny.com

EXHIBIT “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X

BABACAR THIAM,

Index No.:

SUMMONS

Plaintiff,

Plaintiff designates Bronx County as
the place of trial.

-against-

ISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK
UMURZAKOV and AZIM TRANS INC.,The basis of venue is: Plaintiff's
residence

Defendants.

Plaintiff resides at: 1238 Wheeler
Avenue, Bronx, New York 10472

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TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned to answer the verified complaint in the action, and to serve a copy of your answer, or, if the verified complaint is not served with the summons, to serve a notice of appearance, on the Plaintiff's attorneys within twenty (20) days after the service of the summons, exclusive of the day of service, where service is made by delivery upon you personally within the State, (or within thirty (30) days after the service is complete if the summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the verified complaint.

Dated: February 7, 2022
New York, New York

Yours, etc.,

Melissa H. Field, Esq.
FIELD LAW GROUP, P.C.
Attorneys for Plaintiff
17 State Street, 40th Floor
New York, New York 10004
Phone: (212) 739-7272

TO: ISRAELYAN VAHE GAGIKOVICH SHAHRUHBEK UMURZAKOV
709 GREYMONT STREET 2431 TREMONT STREET
PHILADELPHIA, PA 19115 PHILADELPHIA, PA 19115

AZIM TRANS INC.
102-32 65TH AVENUE, APT. B61
FOREST HILLS, NY 11375

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX-----X
BABACAR THIAM,

Index No.:

Plaintiff,

-against-

VERIFIED COMPLAINTISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK
UMURZAKOV and AZIM TRANS INC.,

Defendants.

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Plaintiff, BABACAR THIAM, by and through his attorneys, FIELD LAW GROUP, P.C., complaining of the Defendants, ISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK UMURZAKOV and AZIM TRANS INC., respectfully alleges, upon information and belief, as follows:

1. That at all times herein mentioned, Plaintiff, BABACAR THIAM, was, and still is, a resident of the County of Bronx and State of New York.
2. That at all times herein mentioned, Defendant, ISRAELYAN VAHE GAGIKOVICH, was, and still is, a resident of the County of Philadelphia and State of Pennsylvania.
3. That at all times herein mentioned, Defendant, SHAHRUHBEK UMURZAKOV, was, and still is, a resident of the County of Philadelphia and State of Pennsylvania.
4. That at all times herein mentioned, Defendant, AZIM TRANS INC., was, and still is, domestic business corporation, duly organized and existing under the laws of the State of New York.

AS AND FOR A FIRST CAUSE OF ACTION

5. Plaintiff repeats and realleges each and every allegation set forth in paragraphs "1" through "4" as if fully set forth at length herein.

6. That at all times herein mentioned, Defendants, AZIM TRANS INC. and SHAHRUHBEK UMURZAKOV, were the owners of a 2019 Freightliner tractor-trailer bearing Pennsylvania State license plate number AG86541.

7. That at all times herein mentioned, Defendant, ISRAELYAN VAHE GAGIKOVICH, was the operator of a 2019 Freightliner tractor-trailer bearing Pennsylvania license plate number AG86541.

8. That at all times herein mentioned, Defendant, ISRAELYAN VAHE GAGIKOVICH, operated the aforesaid tractor-trailer with the knowledge of Defendants, AZIM TRANS INC. and SHAHRUHBEK UMURZAKOV.

9. That at all times herein mentioned, Defendant, ISRAELYAN VAHE GAGIKOVICH, operated the aforesaid tractor-trailer with permission of Defendants, AZIM TRANS INC. and SHAHRUHBEK UMURZAKOV.

10. That at all times herein mentioned, Defendant, ISRAELYAN VAHE GAGIKOVICH, managed the aforesaid tractor-trailer.

11. That at all times herein mentioned, Defendant, SHAHRUHBEK UMURZAKOV, managed the aforesaid tractor-trailer.

12. That at all times herein mentioned Defendant, AZIM TRANS INC., managed the aforesaid tractor-trailer.

13. That at all times herein mentioned, Defendant, ISRAELYAN VAHE GAGIKOVICH, controlled the aforesaid tractor-trailer.

14. That at all times herein mentioned, Defendant, SHAHRUHBEK UMURZAKOV, controlled the aforesaid tractor-trailer.

15. That at all times herein mentioned, Defendant, AZIM TRANS INC., controlled the aforesaid tractor-trailer.

16. That at all times herein mentioned, Defendant, ISRAELYAN VAHE GAGIKOVICH, maintained the aforesaid tractor-trailer.

17. That at all times herein mentioned, Defendant, SHAHRUHBEK UMURZAKOV, maintained the aforesaid tractor-trailer.

18. That at all times herein mentioned, Defendant, AZIM TRANS INC., maintained the aforesaid tractor-trailer.

19. That at all times herein mentioned, Bruckner Boulevard at or near intersecting street Longwood Avenue, in the County of Bronx, State of New York, were public roadways, streets and/or thoroughfares.

20. That on May 28, 2019, Defendant, ISRAELYAN VAHE GAGIKOVICH, was operating the aforesaid tractor-trailer at the aforementioned location.

21. That at all times herein mentioned, Plaintiff, BABACAR THIAM, was the owner and operator of a 2004 Toyota motor vehicle bearing New York State license plate number JBW3528.

22. That at all times herein mentioned, Plaintiff, BABACAR THIAM, managed the aforesaid motor vehicle.

23. That at all times herein mentioned, Plaintiff, BABACAR THIAM, controlled the aforesaid motor vehicle.

24. That at all times herein mentioned, Plaintiff, BABACAR THIAM, maintained the aforesaid motor vehicle.

25. That at all times herein mentioned, Bruckner Boulevard at or near intersecting street Longwood Avenue, in the County of Bronx, State of New York, were public roadways, streets and/or thoroughfares.

26. That on May 28, 2019, Plaintiff, BABACAR THIAM, was operating the aforesaid motor vehicle at the aforementioned location.

27. That on May 28, 2019, on Bruckner Boulevard at or near intersecting street Longwood Avenue, in the County of Bronx, State of New York, the tractor-trailer owned by Defendants, SHAHRUHBEK UMURZAKOV and AZIM TRANS INC., and operated by Defendant, ISRAELYAN VAHE GAGIKOVICH, collided with Plaintiff's vehicle.

28. That as a result thereof, Plaintiff, BABACAR THIAM, sustained injuries.

29. That the aforesaid collision was caused wholly and solely through and by reason of the negligence of the Defendants, ISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK UMURZAKOV and AZIM TRANS INC., without any fault or negligence on the part of Plaintiff, BABACAR THIAM, contributing thereto in any way whatsoever.

30. That the Defendants, ISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK UMURZAKOV and AZIM TRANS INC., were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid tractor-trailer and the Defendants were otherwise negligent, careless, and reckless under the circumstances then and there prevailing.

31. That by reason of the foregoing, Plaintiff sustained severe and permanent personal injuries, and Plaintiff was otherwise damaged.

32. That Plaintiff sustained serious injuries as defined by § 5102 of the Insurance Law of the State of New York.

33. That Plaintiff sustained serious injuries and economic loss greater than basic economic loss as defined by § 5104 of the Insurance Law of the State of New York.

34. That Plaintiff is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault insurance under the facts and circumstances herein.

35. That this action falls within one or more of the exceptions set forth in CPLR 1602.

36. That as a result of the negligence of Defendants as aforesaid, Plaintiff sustained severe and protracted personal injuries, was and remains incapacitated from his normal pursuits, endures pain and suffering, and Plaintiff is informed and verily believes that same will continue in the future, all to his detriment and loss.

37. That by reason of the foregoing, Plaintiff has been damaged in a substantial amount to be determined by the Supreme Court of the State of New York which amount exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff, BABACAR THIAM, demands judgment against the Defendants, ISRAELYAN VAHE GAGIKOVICH, SHAHRUHBEK UMURZAKOV and AZIM TRAN INC., in an amount which exceeds the jurisdictional limits of all lower courts which would

otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: February 7, 2022
New York, New York

Yours, etc.,



MELISSA H. FIELD
FIELD LAW GROUP, P.C.
Attorneys for Plaintiff
17 State Street, 40th Floor
New York, New York 10004
Phone: (212) 739-7272

ATTORNEY'S VERIFICATION

MELISSA H. FIELD, an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at FIELD LAW GROUP, P.C., attorneys of record for Plaintiff, BABACAR THIAM. I have read the annexed SUMMONS & VERIFIED COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

I make the foregoing Verification because Plaintiff is not presently in the county wherein I maintain my offices.

Dated: February 7, 2022
New York, New York



MELISSA H. FIELD

INDEX NO.:
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

BABACAR THIAM,

Plaintiff,

-against-

ISRAEL YAN VAHE GAGIKOVICH, SHAHRUHBEK UMURZAKOV
and AZIM TRANS INC.,

Defendants.

SUMMONS & VERIFIED COMPLAINT

FIELD LAW GROUP, P.C.
Attorneys for Plaintiff
Office and Post Office Address, Telephone
17 STATE STREET, 40TH FLOOR
NEW YORK, NEW YORK 10004
PHONE: (212) 739-7272

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: February 7, 2022 Signature: 

Print Signer's Name: MELISSA H. FIELD, ESQ.

AFFIDAVIT OF SERVICE BY ECF AND MAIL

STATE OF NEW YORK)
)
) ss.:
COUNTY OF NEW YORK)

Nelida M. Lamboy-Perez, being duly sworn, deposes and says:

That she is an employee in the office of RAVEN & KOLBE, LLP, attorneys herein; that deponent is not a party to the action or proceeding, is over eighteen (18) years of age, and resides in New York; and, that on April 1, 2022, she filed via ECF and served the within copy of the **NOTICE OF REMOVAL AND EXHIBITS** upon:

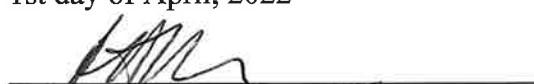
FIELD LAW GROUP, P.C.
17 State Street, 40th Floor
New York, New York 10004
Melissa H. Field, Esq.
mfield@fieldlawgroupny.com

by depositing a true copy of the same securely in a postpaid wrapper, in a Post Office Box regularly maintained by the United States Government directed to the above-mentioned parties at their respective address above, that this being the address within the State designated by them for the purpose upon the preceding papers in this action or the place where they then kept an office, between which place, there then was and now is a regular communication by mail.



NELIDA M. LAMBOY-PEREZ

Sworn to before me this
1st day of April, 2022



Keith A. Raven
Notary Public, State of New York
Reg. No. 02RA6011105
Commission Expires 08-03-23